

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

§  
**PHILIP DRAYTON,** §  
Plaintiff, §  
§  
vs. § C.A. NO. 4:19-cv-2993  
§  
**UNITED AIRLINES, INC., ABM** §  
**AVIATION, INC., ABM INDUSTRIES** §  
**INCORPORATED, AND AIR SERV** §  
**CORPORATION** §  
Defendants. §  
§

**DEFENDANTS UNITED AIRLINES, INC., ABM AVIATION, INC., ABM INDUSTRIES  
INCORPORATED, AND AIR SERV CORPORATION'S NOTICE OF REMOVAL**

Defendants United Airlines, Inc., ABM Aviation, Inc., ABM Industries Incorporated, and Air Serv Corporation (collectively “Defendants”) file this Notice of Removal to the United States District Court for the Southern District of Texas, Houston Division pursuant to 28 U.S.C. §§ 1441, 1446 and Local Rule 81, and hereby remove this action from the 334<sup>th</sup> Judicial District Court of Harris County, Texas, respectfully showing as follows:

**I. NATURE OF ACTION**

1. This is a personal injury action in which plaintiff seeks recovery for alleged bodily injuries purportedly sustained on or about July 17, 2017, while being transported to an aircraft at Houston Intercontinental Airport.

2. Complete diversity exists between the Plaintiff and Defendants.

**II. REMOVAL JURISDICTION**

3. Defendants timely filed this Notice of Removal within 30-days of receipt of service pursuant to 28 U.S.C. § 1446(b)(1).

4. The United States District Court for the Southern District of Texas possesses jurisdiction because of diversity jurisdiction under 28 U.S.C. § 1332 and this Court is the proper Court in which to remove this action because this district and division embrace the place in which the removed action was pending. *See* 28 U.S.C. § 124(b)(2).

5. The Plaintiff for purposes of removal is resides in Redding, California as may be determined from Plaintiff's Original Petition ¶ 2.

6. At the time the Petition was filed, and at the time of removal, United Airlines, Inc. was and is a corporation incorporated and existing under the laws of the State of Delaware, with its principal place of business at its headquarters in Chicago, Illinois. *See* Plaintiff's Original Petition ¶ 3.

7. At the time the Petition was filed, and at the time of removal, ABM Industries Inc. was and is a corporation incorporated and existing under the laws of the State of Delaware, with its principal place of business at its headquarters in New York, New York. *See* Plaintiff's Original Petition ¶ 4.

8. At the time the Petition was filed, and at the time of removal, f/k/a Air Serv Corporation was purchased by ABM Industries Inc., Inc., the successor was and is a corporation incorporated and existing under the laws of the State of Delaware, with its principal place of business at its headquarters in New York, New York. *See* Plaintiff's Original Petition ¶ 4. ABM Industries Incorporated purchased Air Serv Corporation on November 11, 2012.

9. At the time the Petition was filed, and at the time of removal, ABM Aviation, Inc. was and is a corporation incorporated and existing under the laws of the State of Georgia, with its principal place of business at its headquarters in Atlanta, Georgia. *See* Plaintiff's Original Petition ¶ 5.

10. Plaintiff's Original Petition seeks monetary damages over \$1,000,000 satisfying the amount in controversy provision of 28 U.S.C. § 1332(a). *See* Plaintiff's Original Petition ¶ 17.

11. Accordingly, this Court has original jurisdiction pursuant to 28 U.S.C. §1332 and may be removed to this Court by United pursuant to 28 U.S.C. §1441(b).

12. Defendants have complied with all applicable provisions of 28 U.S.C. §1441 and §1446, the applicable Federal Rules of Civil Procedure, and the Local Rules of this Court.

13. Pursuant to Local Rule 81, copies of all required documents are attached to this Notice of Removal as follows:

- a. Exhibit A – Civil Cover Sheet;
  - b. Exhibit B – Index of Matters Being Filed;
  - c. Exhibit C – Case Docket Sheet;
  - d. Exhibit D – Plaintiff's Original Petition and Request for Disclosure;
  - e. Exhibit E – Proof of Service for United Airlines, Inc. (Process);
  - f. Exhibit F – Proof of Service for ABM Industries Incorporated (Process);
  - g. Exhibit G – Proof of Service for ABM Aviation, Inc. (Process);
  - h. Exhibit H – Proof of Service for Air Serv Corporation (Process);
  - i. Exhibit I – Civil Case Information Sheet;
  - j. Exhibit J – Defendants United Airlines, Inc., ABM Industries Inc., ABM Aviation, Inc., and Air Serv Corporation's Original Answer and Affirmative Defenses;
  - k. Exhibit K – List of All Counsel of Record.
14. Defendants will give written notice of this filing as required by 28 U.S.C. § 1446(d).
15. A copy of this notice will be filed with the clerk of the 334<sup>th</sup> Judicial District

Court of Harris County, Texas as required by 28 U.S.C. § 1446(d).

### III. CONCLUSION

WHEREFORE, Defendants United Airlines, Inc., ABM Aviation, Inc., ABM Industries Incorporated, and Air Serv Corporation respectfully request that this action proceed in this Court as an action properly removed to it.

Respectfully submitted,

ROSE LAW GROUP PLLC

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**COUNSEL FOR DEFENDANTS UNITED  
AIRLINES, INC., ABM INDUSTRIES INC.,  
ABM AVIATION, INC., AND AIR SERV  
CORPORATION**

### CERTIFICATE OF SERVICE

This is to certify that on August 12, 2019, a true and correct copy of the foregoing document was served by ECF and sent Certified Mail Return Receipt Requested on:

#### VIA ECF AND CM/RRR 7018 0040 0000 5534 5053

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